

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Applicants : Constantine Tsikos and C. Harry Knowles
Application Serial No.: 10/068,803
Filing Date : February 6, 2002
Title : BIOPTICAL PRODUCT AND PRODUCE IDENTIFICATION
SYSTEMS EMPLOYING PLANAR LASER ILLUMINATION
AND IMAGING (PLIIM) BASED SUBSYSTEMS
Examiner : not yet assigned
Group Art Unit : 2876
Attorney Docket No. : 108-127USAND0

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

RESPONSE TO NOTICE OF MISSING PARTS OF APPLICATION
FILING DATE GRANTED

Sir:

In response to the Notice of Missing Parts of Application/Filing Date Granted dated July 1, 2002, Applicants submit herewith the following documents for filing in the above-referenced Application:

- Copy of Combined Declaration of Inventorship And Power of Attorney for prior Application No. 09/954,477;
- Third Preliminary Amendment;
- Request for Approval of Proposed Changes to the Drawings;
- Forty Six (46) sheets of Redmarked Drawings;
- Submission of Formal Drawings;
- Three Hundred Thirty Three (333) sheets of Formal Drawings;
- Petition for Extension of Time;
- Part 2 of Notice Of Missing Parts Of Application/Filing Date Granted mailed July 1, 2002; and
- Return Receipt Postcard.

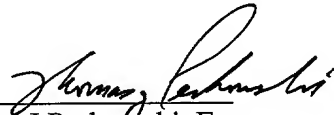
Enclosed in payment of the requisite filing and extension of time fee of \$1316.00 is Thomas J Perkowski, Esq. PC Check No. 3156 in the same amount. The Commissioner is also authorized to charge any fee deficiencies or overpayments to Deposit Account No. 16-1340. A duplicate of this document is enclosed herewith.

Please address all correspondence to the undersigned attorney at the following address:

Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902

Respectfully submitted,

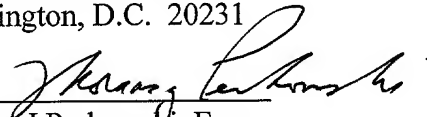
Dated: October 1, 2002


Thomas J Perkowski, Esq.
Attorney for Applicants
Reg. No. 33,134
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902
203-357-1950
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37 C.F.R. 1.8

I hereby certify that this correspondence
is being deposited with the United States
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Washington, D.C. 20231


Thomas J Perkowski, Esq.
Reg. No. 33,134
Date: October 1, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D C 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/068,803	02/06/2002	Constantine J. Tsikos	108-127USAND0

CONFIRMATION NO. 6197

Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, CT 06902

FORMALITIES LETTER



OC000000008378506

Date Mailed: 07/01/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

10/09/2002 KZEWIDIE 00000018 10068803

01 FC:101	740.00 OP
02 FC:105	130.00 OP
03 FC:102	336.00 OP

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The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be made on paper that has a white background, (see 37 CFR 1.84(e)). For example. Graph paper, lined paper, or paper that has a non-white background is not acceptable.
 - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1V5** described in the specification.

- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.
- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

2014001-100302

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.


- Additional claim fees of **\$336** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1206** for a Large Entity

- **\$740** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$336**
 - **\$336** for 4 independent claims over 3.

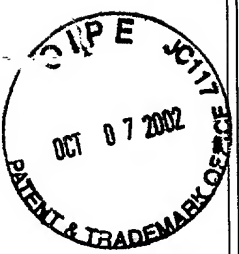
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

20050303-100702



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Application Serial No.: 10/068,803
Filing Date : February 6, 2002
Title : BIOPTICAL PRODUCT AND PRODUCE IDENTIFICATION
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Examiner : not yet assigned
Group Art Unit : 2876
Attorney Docket No. : 108-127USAND0

Honorable Commissioner of Patents
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Washington, DC 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:


In response to the Notice of Missing Parts mailed July 1, 2002, Applicants submit herewith Three Hundred Thirty Three (333) sheets of Formal Drawings for filing in the present Application.

The Formal Drawings include the changes proposed in the Request for Approval of Proposed Changes to Drawings included herewith.

The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayments to Deposit Account 16-1340.

Respectfully submitted,

Dated: October 1, 2002


Thomas J Perkowski, Esq.
Attorney for Applicants
Reg. No. 33,134
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902
203-357-1950
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Postal Service on October 1, 2002, in a Postage
Prepaid envelope as, First Class Mail,
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Washington, D.C. 20231

A handwritten signature in cursive script, appearing to read "Thomas J. Perkowski".

Thomas J Perkowski, Esq.

Reg. No. 3,134

Date: October 1, 2002

10068803-100702